



CITY OF DURHAM

*Department of Community Development
101 City Hall Plaza
Durham, NC 27701*

Request for Proposals (RFP)

Date of Issue: July 12 2010
Due Date: August 12, 2010

NECD Infill Development Homeownership Project

Through this RFP the City of Durham is soliciting proposals from experienced developers to acquire nine City-owned residential lots within Northeast Central Durham (NECD) and develop affordable homeownership units on those sites.

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Section One

Introduction and Instructions

1.01

Return Mailing Address, Contact Person, Telephone & Fax Numbers, Deadline for Receipt of Proposals

Offerors must submit six copies of their proposal, in writing, to the Department of Community Development in a sealed envelope. It must be addressed as set out below:

Department of Community Development
Attention: Richard Valzonis
NECD Infill Development Homeownership Project
101 City Hall Plaza
Durham, NC 27701

Delivery Address if Submitting in Person:
807 E. Main Street
Suite 2-200
Durham, NC 27701

Proposals must be received no later than 4:30 p.m., on August 12, 2010. Faxed, electronic or oral proposals are not acceptable.

An offeror's failure to submit their proposal before the deadline will cause their proposal to be disqualified. Late proposals or amendments will not be opened or accepted for evaluation.

1.02

Contract Term & Work Schedule

The contract term and work schedule set out herein represent the City's best estimate of the schedule that will be followed. If a component of this schedule, such as the opening date, is delayed, the rest of the schedule will be shifted by the same number of days.

The length of the contract will be from the date of award, approximately October 18, 2010 for approximately a 26-month period.

The approximate contract schedule is as follows:

[a] Issue RFP: July 12, 2010

[b] Receive Proposals: August 12, 2010

- [c] Proposal Evaluation Committee completes evaluation by August 27, 2010.
- [d] City Council approval of Contract: October 4, 2010.
- [e] Contract start date: October 18, 2010.
- [g] Project completion date: December 18, 2012.

1.03

Purpose of the Request for Proposal (RFP)

The Department of Community Development is soliciting proposals from experienced non-profit real estate developers for the NECD Infill Homeownership Development project. The scope will consist of the acquisition of nine lots from the City of Durham and the construction of new single family homeownership units.

There are several other affordable housing and neighborhood revitalization initiatives within NECD including the City of Durham's Eastway Village homeownership project, HOPE VI redevelopment efforts and the renovation of Holton School. The Department of Community Development recognizes that homeownership development is an important factor in the stabilization of neighborhoods and therefore desires that the City-owned property offered as part of this RFP be developed as single family detached housing and marketed to eligible homebuyers, as eligibility is defined later in this Request for Proposals.

The intent of this solicitation is to identify a developer or developers for the vacant parcels. Under North Carolina General Statutes 160A-279 and 160A-267, the City would then negotiate the purchase of the property with the selected developer or developers. A non-profit entity must take title to the property.

1.04

Funding Source

Proposals may include financial assistance from the City. The assistance may take the form of a grant for required construction costs and/or permanent mortgage financing for eligible buyers. The City at its sole discretion will determine loan terms and interest rates. The Department of Community Development will review sources and uses, project budgets and project pro-forma to assure financially feasible projects.

Developers may qualify for use of HOME funds (based on availability) to assist in the financing of this project. Please note that proposals indicating little or no reliance on public subsidy may be viewed more favorably.

1.05

Location of Work

The subject properties are located within the Northeast Central Durham community on Morning Glory Avenue, Blacknall and Goley Street. The parcels are as follows: 1302, 1304, 1306, 1308 and 1520 Morning Glory Avenue, 106, 108, 109 and 111 North Blacknall Street.

1.06

Notice Under the Americans with Disabilities Act (ADA).

The City of Durham will not discriminate against qualified individuals with disabilities on the basis of disability in the City's services, programs, or activities. The City will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the City's programs, services, and activities. The City will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all City programs, services, and activities. Anyone who requires an auxiliary aid or service for effective communications, or a modification of policies or procedures to participate in the City program, service, or activity, should contact the office of Stacy Poston, ADA Coordinator, Voice: 919-560-4197 x254, TTY: 919-560-4809; stacy.poston@durhamnc.gov, as soon as possible but **no later than 48 hours** before the scheduled event.

1.07

Required Review

Offerors should carefully review this solicitation for defects and questionable or objectionable matter. Comments concerning defects and objectionable material must be made in writing and received by the Project Manager at least ten days before the proposal opening. This will allow issuance of any necessary amendments. It will also help prevent the opening of a defective solicitation and exposure of offeror's proposals upon which award could not be made. Protests based on any omission or error, or on the content of the solicitation, will be disallowed if these faults have not been brought to the attention of the contracting officer, in writing, at least ten days before the time set for opening.

1.08

Questions Received before Opening of Proposals

All questions must be in writing and directed to the issuing office, addressed to the Department of Community Development, att: Richard Valzonis, Senior Project Manager. Richard.Valzonis@durhamnc.gov. The interested party must confirm telephone conversations in writing.

Two types of questions generally arise. One may be answered by directing the questioner to a specific section of the RFP. These questions may be answered over the telephone. Other questions may be more complex and may require a written amendment to the RFP. The Department of Community Development will determine whether a written RFP amendment is required. The deadline for receiving questions is July 30, 2010.

1.09 Amendments

If an amendment is issued it will be provided to all who were mailed a copy of the RFP.

1.10 Alternate Proposals

Offerors may only submit one proposal for evaluation.

Alternate proposals (proposals that offer something different than what is asked for) will be rejected.

1.11 Right of Rejection

The City of Durham reserves the right to reject any or all proposals.

1.12 City of Durham Not Responsible for Preparation Costs

The City of Durham will not pay any cost associated with the preparation, submittal, presentation, or evaluation of any proposal.

1.13 Disclosure of Proposal Contents

All proposals and other material submitted become the property of the City of Durham. All proposal information, including detailed price and cost information, will be held in confidence during the evaluation process. Thereafter, proposals will become public information.

Trade secrets and other proprietary data contained in proposals may be held confidential if the offeror requests, in writing, that the Director, Department of Community Development does so, and if the Director agrees, in writing, to do so. Material considered confidential by the offeror must be clearly identified and the offeror must include a brief statement that sets out the reasons for confidentiality.

1.14

Subcontractors

Subcontractors may be used to perform work under this contract. If an offeror intends to use subcontractors, the offeror must identify the names of the subcontractors before the City conveys the properties to the non-profit.

1.15

Joint Ventures

Joint ventures are acceptable. If submitting a proposal as a joint venture, the offeror must submit a copy of the joint venture agreement, which identifies the principals involved, and their rights and responsibilities regarding performance and payment.

1.16

Offeror's Certification

By signature on their proposal, offeror's certify that they comply with,

- [a] the laws of the State of North Carolina,
- [b] the applicable portion of the Federal Civil Rights Act of 1964,
- [c] the Equal Employment Opportunity Act and the regulations issued there under by the federal government,
- [d] the Americans with Disabilities Act of 1990, and the regulations issued thereunder by the federal government,
- [e] all terms and conditions set out in this RFP,
- [f] a condition that the proposal submitted was independently arrived at, without collusion, under penalty of perjury, and
- [g] that their offers will remain open and valid for at least 90 days.

By signature on their proposal, responder's also certify that programs, services, and activities provided to the general public under the resulting contract are in conformance with the Americans with Disabilities Act of 1990, and the regulations issued thereunder by the federal government.

If any responder fails to comply with [a] through [g] of this paragraph, the City of Durham reserves the right to disregard the proposal, terminate the contract, or consider the contractor in default.

1.17

Conflict of Interest

Each proposal shall include a statement indicating whether or not the firm or any individuals working on the contract have a possible conflict of interest (e.g., employed by the City of Durham) and, if so, the nature of that conflict. The Durham City Council reserves the right to cancel the award if any interest disclosed from any source could either give the appearance of a conflict or cause speculation as to the objectivity of the program to be developed by the responder. The City Council's determination regarding any questions of conflict of interest shall be final.

1.18

Solicitation Advertising

This solicitation has been advertised in the Carolina Times Newspaper and the Durham Herald-Sun newspaper.

1.19

News Releases

News releases related to this RFP will not be made without prior approval of the Public Information Officer, and then only in coordination with the project manager.

1.20

Assignment

The contractor may not transfer or assign any portion of the contract without prior written approval from the Director, Department of Community Development.

1.21

Disputes

Any dispute arising out of this agreement will be resolved under the laws of North Carolina. The exclusive forum and venue for all actions arising out of this Contract shall be the North Carolina General Court of Justice, in Durham County. Such actions shall neither be commenced in nor removed to federal court.

1.22

Severability

If any provision of the contract or agreement is declared by a court to be illegal or in conflict with any law, the validity of the remaining terms and provisions will not be

affected; and, the rights and obligations of the parties will be construed and enforced as if the contract did not contain the particular provision held to be invalid.

1.23

Federal Requirements

The offeror must identify and comply with all known federal requirements that apply to the proposal, the evaluation, or the contract.

1.24

Equal Business Opportunity Program

It is the policy of the City to provide equal opportunities for City contracting for small firms owned by socially and economically disadvantaged persons doing business in the City's Contracting Marketplace. It is further the policy of the City to prohibit discrimination against any firm in pursuit of these opportunities, to conduct its contracting activities so as to prevent such discrimination, to correct present effects of past discrimination and to resolve complaints of discrimination. This policy applies to all professional services categories.

While no SDBE participation goals have been established for this project, in accordance with the Ordinance, all contractors are required to provide information requested in the "SDBE Professional Services Forms" package, which has been included with this Request for Proposals in Section 8. Proposals that do not contain the appropriate, completed "Professional Services Forms" will be deemed non-responsive and ineligible for consideration. The "Declaration of Performance," "Participation Documentation," Managerial Profile," "Equal Opportunity Statement" and the "Employee Breakdown" documents are required of all contractors. In lieu of "Employee Breakdown," contractors may submit a copy of the current EEO-1 form (corporate basis). Other forms in the package should be used as needed.

The Department of Equal Opportunity/Equity Assurance is responsible for the Equal Business Opportunity Program. All questions about "SDBE Professional Services Forms" should be referred to Deborah Giles or other department staff at (919) 560-4180.

Note: Based on the proposals and the amount of the award, SDBE participation goals will be set as part of the agreement with the City and the potential developer.

SECTION TWO

STANDARD PROPOSAL INFORMATION

2.01

Authorized Signature

An individual authorized to bind the responder to the provisions of the RFP must sign all proposals. Proposals must remain open and valid for at least ninety days from the opening date.

2.02

Pre-proposal Conference

A pre-proposal conference will be held at 10:00 AM, on July 20, 2010 in the Department of Community Development conference room located at 807 E. Main Street, Durham, NC. The purpose of the conference is to discuss the work to be performed with the prospective offerors and allow them to ask questions concerning the RFP. Questions and answers will be transcribed and sent to prospective offerors as soon as possible after the meeting.

Offerors with a disability needing accommodation should contact the Department before the date set for the pre-proposal conference so that reasonable accommodation can be made.

2.03

Amendments to Proposals

Amendments to or withdrawals of proposals will only be allowed if acceptable requests are received before the deadline set for receipt of proposals. No amendments or withdrawals will be accepted after the deadline.

2.04

Supplemental Terms and Conditions

Proposals including supplemental terms and conditions will be accepted, but supplemental conditions that conflict with those contained in this RFP or that diminish the City's rights under any contract resulting from the RFP will be considered null and void. The City is not responsible for identifying conflicting supplemental terms and conditions before issuing a contract award. After award of contract:

- [a] if conflict arises between a supplemental term or condition included in the proposal and a term or condition of the RFP, the term or condition of the RFP will prevail; and

- [b] if the City's rights would be diminished because of application of a supplemental term or condition included in the proposal, the supplemental term or condition will be considered null and void.

2.05

Discussions with Offerors

The City may conduct discussions with offerer's for the purpose of clarification. The purpose of these discussions will be to ensure full understanding of the requirements of the RFP and proposal. Discussions will be limited to specific sections of the RFP identified by the procurement officer. The Project Manager will only hold discussions with responders who have submitted a proposal deemed reasonably susceptible for award. Discussions, if held, will be after initial evaluation of proposals by the review committee. If modifications are made because of these discussions, they will be put in writing. Following discussions, the Project Manager may set a time for best and final proposal submissions from those responders with whom discussions were held. Proposals may be reevaluated after receipt of best and final proposal submissions. Re-evaluation will be limited to the specific sections of the RFP opened to discussion by the Project Manager.

Responders with a disability needing accommodation should contact the Project Manager before the date set for discussions so that reasonable accommodation can be made.

2.06

Prior Experience

In order for their offers to be considered responsive, offerors must demonstrate substantial experience with the development and marketing of homeownership units, particularly to households of low to moderate income. For purposes of this RFP, "substantial" is defined to mean the construction and sale of not less than ten homeownership units within the within the past two years. Offerors must provide third-party contact information for purposes of verifying such experience. An offeror's failure to meet these minimum prior experience requirements may cause their proposal to be considered non-responsive and their proposal to be rejected.

2.07

Evaluation of Proposals

The City will use an evaluation committee to evaluate all proposals. The evaluation will be based on the evaluation factors set out in section seven of this RFP.

2.08

Vendor Tax ID

A valid Federal Tax ID must be submitted to the issuing office with the proposal or within five days of the City's request.

2.09

City of Durham Business License & Other Required Licenses

All organizations doing business with the City of Durham are required to comply with all state, local and federal licensing requirements. This includes obtaining a City of Durham business privilege license (if applicable). Firms selected through the RFP process will be required to demonstrate compliance with licensing requirements. All responding firms that are not currently licensed must provide proof of application for licenser and must obtain all necessary licenses before entering into a contractual agreement with the City of Durham. To obtain a Privilege License, call (919) 560-4700.

2.10

Contract Negotiations

After completion of the evaluation, including any discussions held with responder's during the evaluation, the City may elect to initiate contract negotiations. The option of whether or not to initiate contract negotiations rests solely with the City. If contract negotiations are commenced, they will be held at a location to be determined in the City of Durham North Carolina.

The responder will be responsible for their travel and per diem expenses.

2.11

Notice of Intent to Award (NIA) —Responder Notification of Selection

After the completion of contract negotiations, recommendation and approval by City Council the Project Manager will issue a written Notice of Intent to Award (NIA) and send copies to all offerors. The NIA will set out the names and addresses of all responder's and identify the proposal selected for award. The scores and placement of other responder's will not be part of the NIA.

SECTION THREE STANDARD CONTRACT INFORMATION

3.01

Contract Type

The selected contractor will be required to sign a City of Durham generated contract.

3.02

Contract Approval

This RFP does not, by itself, obligate the City. The City's obligation will commence when the Durham City Council approves the contract. Upon written notice to the contractor, the City may set a different starting date for the contract. The City will not be responsible for any work done by the contractor, even work done in good faith, if it occurs before the contract start date set by the City.

3.03

Proposal as a Part of the Contract

Part or all of this RFP and the successful proposal may be incorporated into the contract.

3.04

Additional Terms and Conditions

The City reserves the right to add terms and conditions during contract negotiations. These terms and conditions will be within the scope of the RFP and will not affect the proposal evaluations.

3.05

Insurance Requirements

Contractor shall maintain insurance not less than the following:

Commercial General Liability, covering

- premises/operations
- products/completed operations
- broad form property damage
- explosion, collapse, and underground hazards if the hazards exist in the performance of this contract
- contractual liability
- independent contractors, if any are used in the performance of this contract

- City of Durham must be named additional insured, and an original of the endorsement to effect the coverage must be attached to the certificate (if by blanket endorsement, then agent may so indicate in the GL section of the certificate, in lieu of an original endorsement)
- combined single limit not less than \$5,000,000 per occurrence; aggregate limit not less than \$10,000,000 per year

Automobile Liability Insurance, covering

- owned, hired, or borrowed vehicles
- employee vehicles, if used in performance of this contract
- combined single limit not less than \$3,000,000 per occurrence; aggregate limit not less than \$5,000,000 per year

Workers' Compensation Insurance, covering

- statutory benefits;
- covering employees; covering owners partners, officers, and relatives (who work on this contract)
- employers' liability, \$1,000,00

Builder's Risk and Installation Floater, covering

- work in progress
- materials and equipment, on and off site
- deductible to be paid by contractor; deductibles greater than \$25,000 must be approved by Finance Director

Insurance shall be provided by:

- companies authorized to do business in the State of North Carolina
- companies with Best rating of A or better.

Insurance shall be evidenced by a certificate:

- providing notice to the City of not less than 30 days prior to cancellation or reduction of coverage
- certificates shall be addressed to:
City of Durham, North Carolina
attention: Finance Director
101 City Hall Plaza
Durham, NC 27701
- both the insurance certificate and the additional insured endorsement must be originals and must be approved by the City's Finance Director before Contractor can begin any work under this contract.

3.06

Bid Deposit - Performance Bond - Surety Deposit

Bid Bond

A Bid Deposit will not be required.

Performance Bond

A Performance Bond will not be required.

Surety Deposit

A Surety Deposit will not be required.

3.07

Proposed Payment Procedures

The City will make payments based on a negotiated payment schedule. Each billing must consist of an invoice and progress report. No payment will be made until the project manager has approved the progress report and invoice.

3.08

Contract Payment

No payment will be made until the contract is approved by the Durham City Council and has been fully executed by all parties. Under no conditions will the City be liable for the payment of any interest charges associated with the cost of the contract.

3.09

Informal Debriefing

When the contract is completed, an informal debriefing may be performed at the discretion of the project manager. If performed, the scope of the debriefing will be limited to the work performed by the contractor.

3.10

Termination for Default

If the project manager determines that the contractor has refused to perform the work or has failed to perform the work with such diligence as to ensure its timely and accurate completion, the City may, by providing written notice to the contractor, terminate the contractor's right to proceed with part or all of the remaining work.

3.11

Contract Changes - Unanticipated Amendments

During the course of this contract, the contractor may be required to perform additional work. That work will be within the general scope of the initial contract. When additional work is required, the project manager will provide the contractor a written description of the additional work and request the contractor to submit a firm time schedule for accomplishing the additional work and a firm price for the additional work. Cost and pricing data must be provided to justify the cost of such amendments.

The contractor will not commence additional work until the project manager has secured any required City approvals necessary for the amendment and issued a written contract amendment.

3.12

Contract Invalidation

If any provision of this contract is found to be invalid, such invalidation will not be construed to invalidate the entire contract.

3.13

Non-Discrimination Clause

The City of Durham opposes discrimination on the basis of race and sex and urges all of its contractors to provide a fair opportunity for minorities and women to participate in their work force and as subcontractors and vendors under city contracts.

3.14

EEO Provisions

During the performance of this Contract the Contractor agrees as follows:

- a. The Contractor shall not discriminate against any employee or applicant or employment because of race, color, religion, sex, national origin, political affiliation or belief, age, or handicap. The Contractor shall take affirmative action to insure that applicants are employed and that employees are treated equally during employment, without regard to race, color, religion, sex, national origin, political affiliation or belief, age, or handicap. Such action shall include but not be limited to the following: employment, upgrading, demotion, transfer, recruitment or advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The Contractor shall post in conspicuous places, available to employees and applicants for employment, notices setting forth these provisions.
- b. The Contractor shall in all solicitations or advertisements for employees

- placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, national origin, political affiliation or belief, age, or handicap.
- c. The Contractor shall send a copy of the EEO provisions to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding.
 - d. In the event of the Contractor's noncompliance with these EEO provisions, the City may cancel, terminate, or suspend this contract, in whole or in part, and the City may declare the Contractor ineligible for further City contracts.
 - e. Unless exempted by the City Council of the City of Durham, the Contractor shall include these EEO provisions in every purchase order for goods to be used in performing this contract and in every subcontract related to this contract so that these EEO provisions will be binding upon such subcontractors and vendors.

SECTION FOUR BACKGROUND INFORMATION

4.01

Background Information

The City currently owns nine lots in the NECD community. The lots are as follows: 1302, 1304, 1306, 1308 and 1520 Morning Glory Avenue and, 106, 108, 109, 111 North Blacknall Street. Successful proposals must include construction of new single-family homes on the existing vacant lots, as zoning permits. It will be the responsibility of the developer to determine the allowable uses for each individual lot, and the department strongly recommends that each prospective developer examine and become familiar with all available information and conduct their own research as necessary. All units shall be affordable to households earning 80% or below of the area median income for the Raleigh Durham MSA. The parcels are offered "as is" with no guarantee of condition, suitability or marketability of the lots. The buyer will be responsible for all costs associated with the purchase of the parcels. Possible costs of development may include but are not limited to surveys, Planning review fees for plats and recording fees for the deeds.

Note: A survey will be required on the property located at 1302 Morning Glory Avenue. The City will retain ownership of ten feet measured from the back of the curb along N. Holman Street. Developers will coordinate all closings with the City of Durham's Real Estate Division.

SECTION FIVE SCOPE OF WORK

5.01

Scope of Work

The Department of Community Development is soliciting proposals from experienced real estate developers for the NECD Infill Homeownership Development project. The scope will consist of the acquisition of nine lots from the City of Durham and the construction of new single family homeownership units. By creating partnerships, the City is committed to the revitalization efforts in the NECD area. The redevelopment of Barnes Avenue (Eastway Village) is the quality of construction that the City envisions for the neighborhood and for the proposed nine units. Additionally, the style of the proposed units must be consistent with and transition comfortably into the surrounding neighborhood. The building forms must be compatible with existing residential character of the neighborhood and must reflect and reference the local vernacular. Upon completion, the single family units must be marketed to households earning 80% or less of the area median income for Raleigh Durham MSA. The City will give preference to proposals that can complete the construction of the nine units within a twenty-four month timeframe. The time period will be based on the date of the conveyance of the property to the non-profit and the completion date which will be based on the date of issuance of the Certificate of Occupancy.

5.02

Plans, Elevations and Design Standards

Submit a complete set of conceptual drawings to include floor plans, elevations and material specifications for each proposed unit. A complete set of plans and elevations should be submitted and reduced to 8-1/2" x 11". If the unit is to be constructed on more than one lot, the one submittal will be sufficient. In addition, if the proposal includes acquisition and development of all parcels on Morning Glory and/or Blacknall Streets, include on an 18"x24" presentation board an illustrative street view of the units to be constructed on the individual parcels. All construction drawings and elevations must be approved by the Department of Community Development. See the attached design standards which must be incorporated into the construction of the single-family units on each individual lot.

5.03

Work Schedule

The length of the contract will be from the date of award, approximately **October 18, 2010** for approximately seven hundred and eighty calendar days until completion, approximately **December 18, 2010**.

SECTION SIX PROPOSAL FORMAT AND CONTENT

6.01

Proposal Format and Content

The City discourages overly lengthy and costly proposals; however, in order for the City to evaluate proposals fairly and completely, offerors should follow the format set out herein and provide all of the information requested.

6.02

Introduction

Proposals must include on organization's letterhead the complete name and address of the non-profit and the name, mailing address, and telephone number of the person the City should contact regarding the proposal.

Proposals must confirm that the firm will comply with all of the provisions in this RFP, and if applicable, provide notice that the firm qualifies as a City of Durham bidder. Proposals must be signed by a company officer empowered to bind the company. An offeror's failure to include these items in their proposals may cause their proposal to be determined to be non-responsive and the proposal may be rejected.

6.03

Understanding of the Project

Offerors must provide a comprehensive narrative Statement that illustrates their understanding of the requirements of the project and the project schedule.

6.04

Management (Development) Plan for the Project

Offerors must provide a comprehensive narrative statement that sets out the development plan they intend to follow and illustrates how their plan will serve to accomplish the work and meet the City's project schedule. Additionally, the development plan must include a proposed construction schedule with projected

milestones and offerors should include how they plan to incorporate Green Building standards and energy efficiency into the construction of the units.

Provide a marketing plan for the sale of property upon completion. Include in the narrative a projected sales price, target population and provide a basis for these projections. Include market studies or other market information applicable to the NECD area that will assist City staff in the evaluation of the proposal.

6.05

Experience and Qualifications

Provide a summary of the non-profit's experience in developing affordable housing in the City of Durham including a description of past projects to include date, square footage of units, architectural features, energy efficient upgrades, construction costs and the role of the non-profit in the development of the units. Include pictures of units (no more than five pictures of units constructed within the last two years).

Provide a narrative description of the development team and a statement of experience in undertaking and successfully completing comparable projects for all members of the team.

In addition, provide the following documentation:

- IRS tax-exempt status determination letter
- Certificate of Incorporation and Bylaws
- List of Officers and Board of Directors
- List of additional funding sources
- Letters of commitment from any lending institutions and a maximum of two letters of support

6.06

Cost Proposal

Total project cost inclusive of acquisition, construction, permits, professional fees, insurance, developers fees, profit and overhead and other costs. Include project budget, sources of funds and letters or other documentation requiring the preliminary commitment of financing, such as commitment letters, letters of interest for the specific project or grant award notices.

Provide a detailed construction budget for each individual proposed unit to be constructed along with the requested amount of subsidy to be provided by the City. Each lot will be valued based on the 2010 tax value.

6.07

Evaluation Criteria

All proposals will be reviewed to determine if they are responsive. They will then be evaluated using the criteria set out in section seven.

SECTION SEVEN EVALUATION CRITERIA AND CONTRACTOR SELECTION

**THE TOTAL NUMBER OF POINTS USED
TO SCORE THIS CONTRACT IS 100**

7.01

Understanding of the Project—10%

Proposals will be evaluated against the questions set out below.

- [A] How well has the responder demonstrated a thorough understanding of the purpose and scope of the project?
- [b] How well has the responder identified pertinent issues and potential problems related to the project?
- [d] How well has the responder demonstrated that it understands the City's time schedule and can meet it?
- [e] Adherence to the City's M/WBE program.

7.02 Management (Development) Plan for the Project—30%

Proposals will be evaluated against the questions set out below.

- [A] How well does the development plan illustrate how the work will be accomplished and does it meet the twenty four month completion schedule?
- [b] Is a detailed construction schedule provided for the completion of the units?
- [c] Are plans and street scenes included in the proposal and do the proposed plans/elevations transition into the surrounding neighborhood?

- [d] Was a detailed marketing plan included that provided detailed strategies for the marketing of properties in inner city neighborhoods?
- [e] Are Green Building materials, construction methods and energy efficiency standards identified and incorporated into the construction of the units?

7.03

Experience and Qualifications—35%

Proposals will be evaluated against the questions set out below.

Questions regarding the personnel.

- [a] Do the individuals assigned to the development team have experience on similar projects?
- [b] Are resumes complete and do they demonstrate backgrounds that would be desirable for individuals engaged in the work the project requires?
- [c] How extensive is the applicable education and experience of the personnel designated to work on the project.
- [d] How knowledgeable are the offeror's personnel of the local area and how many individuals have worked in the area previously?

Questions regarding the firm:

- [e] How well has the non-profit demonstrated experience in completing similar projects on time and within budget?
- [f] How successful is the general history of the non-profit regarding timely and successful completion of projects?
- [g] Has the non-profit provided letters of reference from previous clients?
- [h] Did the responder provide the following?
 - IRS tax-exempt status determination letter
 - Certificate of Incorporation and Bylaws
 - List of Officers and Board of Directors
 - List of additional funding sources
 - Letters of commitment from any lending institutions and a maximum of two letters of support

7.04

Contract Cost—25%

Overall, a minimum of 25% of the total evaluation points will be assigned to cost. The proposal which requires the least amount of city subsidy will receive the maximum number of points allocated to cost. The evaluation committee will determine the point allocations for cost on the other proposals.

SECTION EIGHT ATTACHMENTS

8.01

Equal Business Opportunity Ordinance

CITY OF DURHAM

SMALL DISADVANTAGED BUSINESS ENTERPRISE

PROFESSIONAL SERVICES FORM



Equal Opportunity/ Equity Assurance Department

Mailing Address:

101 City Hall Plaza
Durham, North Carolina 27701

Street Address:

211 Rigsbee Avenue
Durham, North Carolina 27701

Phone: (919) 560-4180

Facsimile: (919) 560-4513

CITY OF DURHAM EQUAL BUSINESS OPPORTUNITY PROGRAM

Policy Statement

It is the policy of the City to provide equal opportunities for City contracting to small firms owned by socially and economically disadvantaged persons doing business in the City's Contracting Marketplace. It is further the policy of the City to prohibit discrimination against any firm in pursuit of these opportunities, to conduct its contracting activities so as to prevent such discrimination, to correct the present effects of past discrimination and to resolve complaints of discrimination.

Goals

To increase the dollar value of all City contracts for goods and services awarded to small disadvantaged business enterprises, it is a desire of the City that the contractor will voluntarily undertake efforts to increase the participation of socially and economically disadvantaged individuals at higher skill and responsibility levels within non-minority firms engaged in contracting and subcontracting with the City.

The Equal Opportunity/Equity Assurance Director shall establish project specific goals for each project or contract based upon the availability of small disadvantaged business enterprises (SDBE's) within the defined scope of work, delineated into percentages of the total value of the work.

**Equal Business Opportunity Ordinance
SDBE Participation Documentation**

If applicable information is not submitted with your proposal, your proposal will be deemed non-responsive.

Declaration of Performance must be completed and submitted with your proposal.

SDBE Participation Documentation must be used to document participation of Small Disadvantaged Business Enterprise (SDBE) on Professional Services projects. All SDBEs must be certified by the City of Durham's Equal Opportunity/Equity Assurance Department prior to submission date. If a business listed has not been certified, the amount of participation will be reduced from the total utilization.

Managerial Profile must be used to list the managerial persons in your workforce who will be participating in this project.

Equal Employment Opportunity Statement for your company must be completed and submitted with your proposal.

Employee Breakdown must be completed and submitted for the location providing the service/commodity. If the parent company will be involved in providing the service/commodity on the City contract, a consolidated employment breakdown must be submitted.

Letter of Intent to Perform as a Sub-consultant/Subcontractor must be completed for SDBEs proposed to perform on a contract. This form must be submitted with the proposal.

Post Proposal Submission SDBE Deviation

Post proposal submission SDBE deviation participation documentation must be used to report and deviation from SDBE participation either prior to or subsequent to startup of the project. The Equal Opportunity/Equity Assurance Department must be notified if the proposed sub-consultant/subcontractor is unable to perform and for what reasons. Substitutions of sub-consultants/subcontractor, both prior to and after awarding of a contract, are subject to City approval.

SDBE Goals Not Met/Documentation of Good Faith Efforts

It is the responsibility of consultants/contractors to make good faith efforts. Good Faith Efforts means the sum total of efforts by a particular business to provide equitable participation of socially and economically disadvantaged employees and sub-consultants/subcontractors.

Whenever contract alternatives, amendments or extra work orders are made individually or in the aggregate, which increase the total value of the original contract, the consultant must make a good faith effort to increase SDBE participation such that the amounts subcontracted are consistent with the established goals.

SELECTION OF CONSULTANTS/CONTRACTORS FOR ARCHITECTURAL/ENGINEERING AND OTHER PROFESSIONAL SERVICES

Goal

The purpose is to provide Small Disadvantaged Businesses equal opportunities for participation on City of Durham contracts.

Definition of the Scope of the Selection Policy

The Equal Opportunity/Equity Assurance Director shall establish SDBE participation goals for each contract to be awarded by the City. Project specific goals for each project or contract will be based upon the availability of small disadvantaged business enterprises (SDBE's) within the defined scope of work, delineated into percentages of the total value of the work.

Small Disadvantaged Business Proposal Requirements

The prime consultant/contractor shall submit a proposal in accordance with the City of Durham's Request for Proposal. In addition, the prime consultant/contractor must submit all required Professional Services SDBE Forms.

Selection Committee for Professional Services

A selection committee shall be established to be composed of the following: City Manager or a designated representative of this office; Director of Finance or a designated representative of this office; department head responsible for the project; City Engineer if engineering services are involved; the Equal Opportunity/Equity Assurance Director and Purchasing Manager. Other representatives shall be called upon as needed based on their areas of expertise.

The committee shall screen the proposals based on the following criteria:

1. Firms; interest in the project;
2. Current work in progress by firm;
3. Past experience with similar projects;
4. General proposal for carrying out the required work;
5. Designation of key personnel who will handle the project, with resume for each;
6. Proposed associate consultants/contractors, SDBE subconsultants;
7. Indication of capability for handling project;
8. Familiarity with the project;
9. Fees that have been charged for recent comparable projects;
10. References;
11. SDBE Participation; and
12. Documentation of Good Faith efforts.

After ranking the firms presenting proposals based on the above criteria, interviews will be conducted by the selection committee with the top ranked firms (3-5). The contracting department will make the final recommendation, prepare contracts for review by the City Attorney, and prepare the recommendation for the City Council including the following:

1. Description and scope of the project;
2. Recommended firm;
3. Contract cost;
4. Time limits;
5. Basis for selection;
6. Source for funding;
7. Equal Business Opportunity Ordinance compliance; and
8. Recommendation that the contract be approved by the City Council.

Contract Award

A provision must be written in each contract with an architect or engineer requiring them to work with Equal Opportunity/Equity Assurance Department in creating and identifying separate work.

Project Evaluation

An evaluation shall be made of each contract after its completion to be used in consideration of future professional services contracts. The evaluation shall cover appropriate items from the check list for ranking applicants. A copy of the evaluation shall be given to the consultant, and any comment he/she cares to make shall be included in the files.

DECLARATION OF PERFORMANCE BY CONSULTANT/CONTRACTOR

Briefly address each of the following items:

1. A brief synopsis of the company and the products/services it provides:

2. Describe the normal procedure used on a bid of this type, giving the flow of purchase from the company to the ultimate purchaser:

3. List anyone outside of your company with whom you will contract on this bid:

The undersigned consultant/contractor certifies that: (check appropriate box)

- a) _____ It is the normal business practice of the consultant/contractor to perform all elements of the contract with its own workforce without the use of subcontractors/vendors; and

- b) _____ That the above documentation demonstrates this *firm's* capabilities to perform all elements of the contract with its own work force or without the use of subcontractors/vendors.

- c) _____ The vendor/contractor will use a subconsultant(s) in the fulfillment of this scope of work.

Date

Authorized Signature

**PARTICIPATION DOCUMENTATION
(TO BE COMPLETED BY PRIME CONSULTANT/CONTRACTOR ONLY)**

Names of all firms (including prime and sub consultants/ Sub contractors)	Location	SDBE Firm Yes/No	Nature of Participation	% of Project Work

TOTAL _____

Name - Authorized Officer of Prime Consultant/Contractor Firm (Print/Type)

Signature - Authorized Officer of Prime Consultant/Contractor Firm

Date

MANAGERIAL PROFILE

Name of Firm: _____

Contact Person: _____

Title: _____

Address: _____

Telephone No.: _____

Date: _____

List the managerial persons in your work force who will be participating in this project, including name, position, and whether the individuals are minority or woman within the definition* of the City of Durham's Equal Business Opportunity Ordinance.

Managerial Employees

NAME	POSITION	SOCIALLY/ECONOMICALLY DISADVANTAGED* (YES/NO)
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

* M-Minority(African American), W-Woman, Other-H-Hispanic, AI-American Indian, AS-Asian American, Handicapped

EQUAL OPPORTUNITY STATEMENT

(You may submit your organization's EEO policy in lieu of this sheet)

EMPLOYEE BREAKDOWN**Part A – Employee Statistics for the Primary Location****MALES****FEMALES**

Employment Category	Total Employees	Total Males	Total Females	White	Black	Hispanic	Asian or Alaskan Islander	Indian or Alaskan Native	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaskan Native
Project Manger													
Professional													
Labor													
Clerical													
Totals													

Part B – Employee Statistics for the Consolidated Company (See *instructions for this form on whether this part is required.*)**MALES****FEMALES**

Employment Category	Total Employees	Total Males	Total Females	White	Black	Hispanic	Asian or Alaskan Islander	Indian or Alaskan Native	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaskan Native
Project Manger													
Professional													
Labor													
Clerical													
Totals													

EEO-1 Report may be submitted in lieu of this form

Letter of Intent to Perform as a Sub-Consultant

The undersigned intends to perform work in connection with the above project as a SDBE:

Minority (African American) • Woman • Hispanic •
American Indian • Asian American • Handicapped •

The SDBE status of the undersigned is certified by the City of Durham as identified by the attached copy of certification or the attached SDBE Contractor Identification List supplied by the EO/EA Department.

The undersigned is prepared to perform the following described work in connection with the above project (specify in detail particular work items or parts thereof to be performed):

You have projected the following commencement date for such work, and the undersigned is projecting completion of such work as follows:

<u>ITEMS</u>	<u>PROJECTED COMMENCEMENT DATE</u>	<u>PROJECTED COMPLETION DATE</u>

The undersigned will subcontract _____% of the dollar value of this contract to a SDBE subconsultant/subcontractor and/or non-SDBE subconsultant/subcontractor.

The undersigned will enter into a formal agreement in the amount of \$_____ for the above work with you, conditioned upon your execution of a contract with the City of Durham.

Name _____ Title _____

Company _____ Telephone _____

Address _____

Signature _____

REQUEST TO CHANGE SDBE PARTICIPATION

Project: _____
Name of bidder or consultant: _____
Name and title of representative bidder or consultant: _____
Address (including zip code): _____
Telephone number: _____ Fax number: _____
Email address: _____
Total amount of original contract, before any change orders or amendments: _____
Total amount of the contract, including all approved change orders and amendments to date, but not counting the changes proposed in this form: _____
Dollar amount of changes proposed in this form: _____
The proposed change (*check one*) ☐ **increases** ☐ **decreases** the dollar amount of the bidder's/consultant's contract with the City.
Does the proposed change decrease the SDBE participation? (*check one*) ☐ **yes**
☐ **no**

If the answer is **yes**, complete the following:

BOX A. For the subcontract proposed to be changed (increased, reduced, or eliminated):

Name of subconsultant: _____
Goods and services to be provided before this proposed change: _____

Is it proposed to eliminate this subcontract? ☐ yes ☐ no

If the subcontract is to be increased or reduced, describe the nature of the change (*such as adding \$5,000 in environmental work and deleting \$7,000 in architectural*):

Dollar amount of this subcontract before this proposed change: _____

Dollar amount of this subcontract after this proposed change: _____

This subconsultant is (*check one*):

- ☐ 1. City-certified Black-owned SDBE
☐ 2. City-certified Women-owned SDBE
3. City-certified SDBE that is neither Black-owned nor women owned, but to be credited as
3(a) ☐ Black-owned SDBE 3(b) ☐ Women-owned SDBE
☐ 4. not a City-certified SDBE

BOX B. Proposed subcontracts other than the subcontract described in Box A above

Name of subcontractor for the new work: _____

Goods and services to be provided by this proposed subcontract: _____

Dollar amount proposed of this proposed subcontract: _____

This subcontractor is (*check one*):

- ☐ 1. City-certified Black-owned SDBE
- ☐ 2. City-certified women-owned SDBE
- 3. City-certified SDBE that is neither Black-owned nor women owned, but to be credited as
 - 3(a) ☐ Black-owned SDBE 3(b) ☐ Women-owned SDBE
- ☐ 4. not a City-certified SDBE

Add additional sheets as necessary.

SDBE GOALS NOT HAVING BEEN MET. The following information must be presented by the consultant concerning good faith efforts taken.

It is the responsibility of consultants to make good faith efforts. Any act or omission by the City shall not relieve them of this responsibility. For future efforts, it shall be comprised of such efforts which are proposed to allow equitable participation of socially and economically disadvantaged employees and sub-consultants/subcontractors. The City Manager shall apply the following criteria, with due consideration of the quality, quantity, intensity and timeliness of efforts of consultants/contractors, in determining good faith efforts to engage SDBEs along with other criteria that the City Manager deems proper:

Name of Bidder: _____

*If you find it helpful, feel free to attach pages to explain your answers. **How many pages is your firm attaching to this questionnaire?** _____ (Don't count the 2 pages of this questionnaire.)*

If a yes or no answer is not appropriate, please explain the facts. All of the answers to these questions relate only to the time before your firm submitted its bid or proposal to the City. In other words, actions that your firm took after it submitted the bid or proposal to the City cannot be mentioned or used in any answers.

1. SOLICITING SDBEs.

(a) Did your firm solicit, through all reasonable and available means, the interest of all SDBEs certified (that is, in the City's database) in the scopes of work of the contract? ☐ **yes** ☐ **no**

(b) In such soliciting, did your firm advertise? ☐ **yes** ☐ **no** Are you attaching copies to this questionnaire, indicating the dates and names of newspaper or other publication for each ad if that information is not already on the ads? ☐ **yes** ☐ **no**

(c) In such soliciting, did your firm send written (including electronic) notices or letters? Are you attaching one or more sample notices or letters? ☐ **yes** ☐ **no**

(d) Did your firm attend the pre-bid conference? ☐ **yes** ☐ **no**

(e) Did your firm provide interested SDBEs with timely, adequate information about the plans, specifications, and requirements of the contract? ☐ **yes** ☐ **no**

(f) Did your firm follow up with SDBEs that showed interest? ☐ **yes** ☐ **no**

(g) With reference to the SDBEs that your firm notified of the type of work to be subcontracted -- Did your firm tell them:

(i) the specific work your firm was considering for subcontracting? ☐ **yes**
☐ **no**

(ii) that their interest in the contract is being solicited? ☐ **yes** ☐ **no**

(iii) how to obtain and inspect the applicable plans and specifications and descriptions of items to be purchased? ☐ **yes** ☐ **no**

2. BREAKING DOWN THE WORK.

(a) Did your firm select portions of the work to be performed by SDBEs in order to increase the likelihood that the goals would be reached? ☐ **yes** ☐ **no**

(b) If **yes**, please describe the portions selected. **ANSWER:**

3. NEGOTIATION. In your answers to 3, you may omit information regarding SDBEs for which you are providing Form E-105.

(a) What are the names, addresses, and telephone numbers of SDBEs that you contacted? **ANSWER:**

(b) Describe the information that you provided to the SDBEs regarding the plans and specifications for the work selected for potential subcontracting. **ANSWER:**

(c) Why could your firm not reach agreements with the SDBEs that your firm made contact with? Be specific. **ANSWER:**

4. ASSISTANCE TO SDBEs ON BONDING, CREDIT, AND INSURANCE.

(a) Did your firm or the City require any subcontractors to have bonds, lines of credit, or insurance?

☐ **yes** ☐ **no** (Note: In most projects, the City has no such requirement for *subcontractors*.)

(b) If the answer to (a) is **yes**, did your firm make efforts to assist SDBEs to obtain bonds, lines of credit, or insurance? ☐ **yes** ☐ **no** If **yes**, describe your firm's efforts. **ANSWER:**

(c) Did your firm provide alternatives to bonding or insurance for potential subcontractors? ☐ **yes** ☐ **no** If **yes**, describe. **ANSWER:**

5. GOODS AND SERVICES. What efforts did your firm make to help interested SDBEs to obtain goods or services relevant to the proposed subcontracting work? **ANSWER:**

6. USING OTHER SERVICES.

(a) Did your firm use the services of the City to help solicit SDBEs for the work? ☐
yes ☐ **no** Please explain. **ANSWER:**

(b) Did your firm use the services of available minority/women community organizations, minority and women contractors' groups, government-sponsored minority/women business assistance agencies, and other appropriate organizations to help solicit SDBEs for the work? ☐ **yes** ☐ **no** Please explain. **ANSWER:**